



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,646	03/23/2004	Yuko Nishikawa	81229 7114	2571
37123 7590 03/12/2008 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603				
EXAMINER				
TAYLOR, JOSHUA D				
ART UNIT		PAPER NUMBER		
4157				
MAIL DATE		DELIVERY MODE		
03/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,646

Applicant(s)

NISHIKAWA ET AL.

Examiner

JOSHUA TAYLOR

Art Unit

4157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 7/20/2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Robarts et al. (Pub. No.: US 2005/0278741).

Regarding claim 1, Robarts et al disclose the following as claimed: **A method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content (paragraph [0019], lines 1-4); providing a first characterizing descriptor filter (paragraph [0016], lines 7-9); providing a second characterizing descriptor filter (paragraph [0016], lines 9-11); simultaneously displaying: a first selected user-selectable characterizing descriptor filter criterion as corresponds to a present setting of the first characterizing descriptor filter (paragraph [0016], lines 7-9); a second selected user-selectable characterizing descriptor filter criterion as corresponds to a present setting of the second characterizing descriptor filter (paragraph [0016], lines 9-11); at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (Fig. 9-10, 13, paragraph [0098], lines 5-8).** Robarts discloses displaying the results of a first and

second filter, but doesn't expressly discuss the filters in his preferred embodiments as claimed. However, Robarts discloses the first and second filters in the "Background" as evidence that using these types of filters would have been obvious to one skilled in the art as one of the possible methods in which these filters could be implemented.

Regarding claim 2: **The method of claim 1 wherein displaying at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria further comprises not displaying any of the characterizing descriptors as do not correspond to the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (Fig. 14, paragraph [0102]-[0103]). Element 296 is a display which does not display any other the television shows which have been filtered out.

Regarding claim 3: **The method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content further comprises providing access to textual characterizing descriptors as individually correspond to the plurality of discrete selectable items of audio/visual content** (Fig. 4, paragraph [0049], lines 4-7).

Regarding claim 4: **The method of claim 3 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content further comprises providing access to characterizing descriptors that comprise at least one of: a programming network identifier; a broadcast starting time; a description of the audio/video content; content media source** (Fig. 4, paragraph [0049], lines 4-7).

Regarding claim 5: **The method of claim 3 wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (Fig. 5, 14, paragraph [0054], lines 16-19).

Regarding claim 6: **The method of claim 3 further comprising simultaneously displaying a program of audio/visual content** (Fig. 6, paragraph [0071], lines 1-2, 10-12).

Regarding claim 7: **The method of claim 3 further comprising simultaneously displaying a preview of a discrete selectable item of audio/visual content as corresponds to a present setting of the first and second plurality of user-definable characterizing descriptor filter criteria** (Fig. 6, paragraph [0071], lines 1-2, 10-12).

Regarding claim 8: **The method of claim 7 wherein the preview of a discrete selectable item of audio/visual content as corresponds to a present setting of the first and second plurality of user-definable characterizing descriptor filter criteria is displayed as a background image** (Fig. 6, paragraph [0071], lines 1-2, 10-12).

Regarding claim 9: **The method of claim 7 wherein the preview of a discrete selectable item of audio/visual content as corresponds to a present setting of the first and second plurality of user-definable characterizing descriptor filter criteria is displayed as a windowed segregated image** (Fig. 6, paragraph [0071], lines 1-2, 10-12).

Regarding claim 10: **The method of claim 3 further comprising: selecting at least one of the plurality of discrete selectable items of audio/visual content as corresponds to the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (paragraph [0016], lines 7-13); **transmitting a signal to an audio/visual display** (Fig. 13-14, paragraph [0045], lines 1-6) **device indicating the selection of the at least one of the plurality of discrete selectable items of audio/visual content as corresponds to the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (paragraph [0096], lines 6-10). Roberts discloses displaying the results of a first and second filter, but doesn't expressly discuss the filters in his preferred embodiments as claimed. However, Roberts discloses the first and second filters in the "Background" as evidence that

using these types of filters would have been obvious to one skilled in the art as one of the possible methods in which these filters could be implemented.

Regarding claim 11: **The method of claim 1 wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device** (paragraph [0024], lines 1-4). Claim 11 is rejected under the same rationale as claim 10.

Regarding claim 12: **The method of claim 1 wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device** (paragraph [0024], lines 1-4) **by scrolling through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria** (Fig. 6, paragraph [0068], lines 4-9). Claim 12 is rejected under the same rationale as claim 10.

Regarding claim 13: **The method of claim 1 wherein: displaying a first selected user-selectable characterizing descriptor filter criterion as corresponds to a present setting of the first characterizing descriptor filter further comprises displaying only the first selected user-selectable characterizing descriptor filter criterion; and displaying a second selected user-selectable characterizing descriptor filter criterion as corresponds to a present setting**

of the second characterizing descriptor filter further comprises displaying only the second selected user-selectable characterizing descriptor filter criterion (Fig. 13, paragraph [0098], lines 1-4).

Regarding claim 14: **The method of claim 13 and further comprising: at least pre-selecting the first selected user-selectable characterizing descriptor filter criterion; automatically displaying a plurality of selectable user-selectable characterizing descriptor filter criteria for the first characterizing descriptor filter (paragraph [0097], lines 5-9).**

Regarding claim 15: **The method of claim 14 and further comprising: detecting selection of one of the plurality of selectable user-selectable characterizing descriptor filter criteria for the first characterizing descriptor filter to thereby provide a new selected user-selectable characterizing descriptor filter criterion for the first characterizing descriptor filter (paragraph [0016], lines 7-11); automatically displaying at least a portion of the characterizing descriptors as corresponds to the new selected user-selectable characterizing descriptor filter criterion and the present setting of the second plurality of user-selectable characterizing descriptor filter criteria (paragraph [0020], lines 7-10).** Robarts discloses displaying the results of a first and second filter, but doesn't expressly discuss the filters in his preferred embodiments as claimed. However, Robarts discloses the first and second filters in the "Background" as evidence that using these types of filters would have been obvious to one skilled in the art as one of the possible methods in which these filters could be implemented.

Regarding claim 16, Robarts et al. disclose

An interactive data display system comprising: characterizing descriptors as individually correspond to a plurality of discrete selectable items of data (paragraph [0019], lines 1-4); at least a first and a second characterizing descriptor filter (paragraph [0016], lines 7-11); control circuitry that simultaneously displays: at least one of a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter (paragraph [0016], lines 7-9); at least one of a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter (paragraph [0016], lines 9-11); at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (Fig. 9-10, 13, paragraph [0098], lines 5-8). Robarts discloses displaying the results of a first and second filter, but doesn't expressly discuss the filters in his preferred embodiments as claimed. However, Robarts discloses the first and second filters in the "Background" as evidence that using these types of filters would have been obvious to one skilled in the art as one of the possible methods in which these filters could be implemented.

Regarding claim 17, Robarts et al. disclose

The interactive data display system of claim 16 further comprising: a remote control device (paragraph [0024], lines 1-4) for at least pre-selecting the present setting of either of the first

and second plurality of user-selectable characterizing descriptor filter criteria (Fig. 9-10, paragraphs [0089]-[0090]). Claim 17 is rejected under the same grounds as claim 16.

Regarding claim 18, Robarts et al. disclose

The interactive data display system of claim 17 wherein said remote control device comprises at least one key for scrolling (paragraph [0006], lines 4-9) **through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria** (Fig. 6, paragraph [0068], lines 4-9). Claim 18 is rejected under the same grounds as claim 16.

Regarding claim 19, Robarts et al. disclose

The interactive data display system of claim 18 wherein the remote control device further comprises at least one key for moving an area of focus (paragraph [0006], lines 4-9) **from one user-selectable characterizing descriptor filter criterion to another user-selectable characterizing descriptor filter criterion** (paragraph [0016], lines 7-11). Claim 19 is rejected under the same grounds as claim 16.

Regarding claim 20, Robarts et al. disclose

The interactive data display system of claim 16 further comprising: a remote control device (paragraph [0006], lines 4-9) for selecting the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (paragraph [0016], lines 7-11).

Claim 20 is rejected under the same grounds as claim 16.

Regarding claim 21, Robarts et al. disclose

The interactive data display system of claim 20 wherein the remote control device comprises at least one key for scrolling through candidate settings (paragraph [0006], lines 4-9) of the first and second plurality of user-selectable characterizing descriptor filter criteria (paragraph [0016], lines 7-11). Claim 21 is rejected under the same grounds as claim 16.

Regarding claim 22, Robarts et al. disclose

The interactive data display system of claim 21 wherein the remote control device further comprises at least one key for moving an area of focus from one user-selectable characterizing descriptor filter criterion to another user-selectable characterizing descriptor filter criterion (paragraph [0024], lines 1-4). Claim 22 is rejected under the same grounds as claim 16.

Regarding claim 23, Robarts et al. disclose

The interactive data display system of claim 16 further comprising control circuitry that simultaneously displays a program of audio/visual content (Fig. 6, paragraph [0071], lines 1-2, 10-12). Claim 23 is rejected under the same grounds as claim 16.

Regarding claim 24, Robarts et al. disclose

The interactive data display system of claim 16 further comprising control circuitry that simultaneously displays a preview of a discrete selectable item of audio/visual content as corresponds to a present setting of the first and second plurality of user-definable characterizing descriptor filter criteria (Fig. 6, paragraph [0071], lines 1-2, 10-12). Claim 24 is rejected under the same grounds as claim 16.

Regarding claim 25, Robarts et al. disclose

The interactive data display system of claim 24 wherein the preview is displayed as a background image (Fig. 6, paragraph [0071], lines 1-2, 10-12). Claim 25 is rejected under the same grounds as claim 16.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Patent Examiner

/Vu Le/
Supervisory Patent Examiner, Art Unit 4157